

CHAPTER 13 NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT**Section**

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1300 PREAMBLE

- 1300.1 The Neighborhood Commercial (NC) Overlay District is established to preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services.
- 1300.2 The NC Overlay District includes a number of individual overlay zone districts that may be established and mapped from time to time, consistent with the general provisions of this chapter.
- 1300.3 The purposes of the NC Overlay District are to:
- (a) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan;
 - (b) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, so as to meet the needs of the surrounding area's residents, workers, and visitors; and
 - (c) Limit the maximum permitted height of new buildings so as to encourage a general compatibility in scale between new and older buildings.
- 1300.4 The provisions of this chapter that apply to the discrete NC Overlay Districts shall reflect the character, scale, and needs of the particular district.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.))).

SOURCE: Final Rulemaking published at 36 DCR 7616 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8443 (October 20, 2000).

1301 GENERAL PROVISIONS

- 1301.1 The NC Overlay District is mapped in combination with the underlying Commercial District and not instead of the underlying district.
- 1301.2 Except as provided in § 1301.3 and in other provisions of this chapter, all uses, buildings, and structures permitted in accordance with this chapter and the appropriate regulations of the underlying district with which the mapped NC Overlay District is combined shall be permitted in the combined district.
- 1301.3 Where there is a conflict between this chapter and the underlying zoning, the more restrictive provisions of this title shall govern.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7617 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8443-44 (October 20, 2000).

1302 DESIGNATED AND RESTRICTED USES

- 1302.1 Any building that occupies or is constructed on a lot in a designated use area within an NC Overlay District shall provide designated retail and service establishments on the ground level according to the requirements of this section and any additional requirements of the particular overlay district.
- 1302.2 The designated uses for purposes of this section are the following:
- (a) Any use that is permitted as a matter of right in the C-1 District pursuant to §§ 701.1 or 701.4;
 - (b) Library;
 - (c) Blueprinting or similar reproduction service;
 - (d) Film exchange;
 - (e) Interior decorating shop;
 - (f) Laundry, self service;
 - (g) Photographic studio;
 - (h) Picture framing studio or shop;

- (i) Tailor shop or valet shop;
- (j) Telegraph office;
- (k) Antique store or shop;
- (l) Auction house;
- (m) Department store;
- (n) Display stand or store for mail order sales;
- (o) Dry goods store;
- (p) Furniture store;
- (q) Home furnishings sales;
- (r) Leather goods store;
- (s) Musical instruments and accessories sales;
- (t) Office supplies and equipment sales;
- (u) Optical goods store;
- (v) Pet shop;
- (w) Precision instrument sales; and
- (x) Theater, including motion picture theater.

1302.3 If the underlying zone district is C-1, the designated uses shall include only those uses that are referenced in paragraphs (a) and (b) of § 1302.2.

1302.4 The designated uses listed in § 1302.2 shall occupy no less than fifty percent (50%) of the gross floor area of the ground level of the building, subject to the following requirements:

- (a) No more than twenty percent (20%) of the ground level floor area shall be devoted to banks, loan offices or other financial institutions, travel agencies, or other ticket offices;
- (b) The ground level floor shall be the floor that is nearest in grade elevation to the sidewalk; and

- (c) In those parts of the affected building or lot other than as delineated in this section, the use provisions of the underlying zone district shall apply.

1302.5 Restaurants, fast food restaurants, delicatessens, carry-outs, and similar eating or drinking establishments shall be subject to the following limitations:

- (a) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC Overlay District, as measured along the lots that face designated roadways in the particular district; and
- (b) Except for a fast food restaurant, such uses may be applied to fulfill the requirements of § 1302.4; provided, that when such uses are so applied, they shall remain subject to the provisions of paragraph (a) of this subsection.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7617 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8444 (October 20, 2000).

1303 LIMITATIONS ON DRIVEWAYS AND CURB CUTS

- 1303.1 No drive-through accessory to any use shall be permitted in the NC Overlay District.
- 1303.2 Within the area of the NC Overlay District, notwithstanding the provisions of § 2117.8(c), no driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7619 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8444 (October 20, 2000).

1304 SPECIAL EXCEPTIONS

- 1304.1 Exceptions from the requirements of this chapter shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, in accordance with § 3104, and subject to the following requirements:
 - (a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC Overlay District and the particular NC Overlay District, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;

- (b) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;
- (c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and
- (d) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC Overlay District and the particular overlay district.

1304.2 This section shall not operate to allow any exception to the height or floor area ratio limits of any NC Overlay District.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7619 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8444 (October 20, 2000).

1305 PLANNED UNIT DEVELOPMENT GUIDELINES

1305.1 In the NC Overlay District, the matter-of-right height and floor area ratio limits shall serve as the guidelines for Planned Unit Developments.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7620 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8444 (October 20, 2000).

1306 CLEVELAND PARK NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

1306.1 The Cleveland Park Neighborhood Commercial (CP) Overlay District is applied to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those lots zoned C-2-A in Squares 2218, 2219, 2222, 2068, 2069, and 2082.

1306.2 In addition to the purposes in § 1300, the purposes of the CP Overlay District are to:

- (a) Provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic so as to improve access to retail services, the Metrorail station, and other uses in the area;
- (b) Encourage compatibility of development with the purposes of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.))); and

- (c) Provide for retention of existing housing within the CP Overlay District so as to help meet the need for affordable housing and to enhance pedestrian activity, safety, and consumer support for businesses in the commercial area.
- 1306.3 For purposes of § 1302, the designated use area shall include any lot within the CP Overlay District that fronts on Connecticut Avenue or Macomb, Newark, Ordway, or Porter Streets.
- 1306.4 For purposes of § 1303.2, the designated roadway within the CP Overlay District shall be Connecticut Avenue.
- 1306.5 In the CP Overlay District, no dwelling unit or rooming unit in existence as of October 1, 1987, shall be converted to any nonresidential use or to a transient use as hotel or inn; provided, that this restriction shall not apply to the ground floor of the building; that is, that floor that is nearest in grade elevation to the sidewalk.
- 1306.6 The maximum permitted height for any building or structure in the CP Overlay District shall be forty feet (40 ft.).
- 1306.7 The matter-of-right floor area ratio in the CP Overlay District shall be 2.0, not more than 1.0 of which may be occupied by nonresidential uses.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7620 (November 3, 1989).

1307 WOODLEY PARK NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

- 1307.1 The Woodley Park Neighborhood Commercial (WP) Overlay District is applied to a compact geographic area surrounding the Woodley Park/Zoo Metrorail station, comprising those lots zoned C-2-A in Squares 2202 and 2203 and those lots zoned C-2-B in Square 2204.
- 1307.2 In addition to the purposes in § 1300, the purposes of the WP Overlay District are to provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic so as to improve access to retail services, the Metrorail station, and other uses in the area.
- 1307.3 For purposes of § 1302, the designated use area shall include any lot within the WP Overlay District that fronts on Connecticut Avenue, Calvert Street, or 24th Street.
- 1307.4 For purposes of § 1303.2, the designated roadway within the WP Overlay District shall be Connecticut Avenue.

- 1307.5 No hotel, inn, or fast food restaurant shall be permitted in the WP Overlay District.
- 1307.6 The maximum permitted height of any building or structure in the WP Overlay District shall be:
- (a) Forty feet (40 ft.) in the WP/C-2-A Overlay District; and
 - (b) Fifty feet (50 ft.) in the WP/C-2-B Overlay District.
- 1307.7 The matter-of-right floor area ratio in the WP Overlay District shall be:
- (a) In the WP/C-2-A Overlay District, the matter of right floor area ratio shall be 2.5, not more than 1.0 of which may be occupied by nonresidential uses; and
 - (b) In the WP/C-2-B Overlay District, the matter of right floor area ratio shall be 3.0, not more than 1.0 of which shall be occupied by nonresidential uses.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7621 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8445-46 (October 20, 2000).

**1308 MACOMB-WISCONSIN NEIGHBORHOOD COMMERCIAL
OVERLAY DISTRICT**

- 1308.1 The Macomb-Wisconsin Neighborhood Commercial (MW) Overlay District applies to the neighborhood commercial area near and extending from the intersection of Macomb Street and Wisconsin Avenue, N.W., comprising those lots zoned C-1 in Squares 1920 and 1920N.
- 1308.2 In addition to the purposes set forth in § 1300, the purpose of the MW Overlay District is to provide for public review of large developments as to their proposed uses, vehicular access, and the scale and massing of proposed buildings so as to ensure compatibility with and enhancement of the primary neighborhood retail function of the commercial area and to advance the other purposes of this overlay district.
- 1308.3 Within the MW Overlay District, on a lot that has ten thousand square feet (10,000 ft.²) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in § 3104.

1308.4 For purposes of § 1302, the designated use area shall include any lot that fronts on Wisconsin Avenue or Macomb or Newark Streets within the WP Overlay District.

1308.5 For purposes of § 1303.2, the designated roadways within the MW Overlay District shall be Wisconsin Avenue and Macomb Street.

SOURCE: Final Rulemaking published at 36 DCR 7616, 7622 (November 3, 1989); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8446 (October 20, 2000).

1308 EIGHTH STREET SOUTHEAST NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

1309.1 The Eighth Street Southeast Neighborhood Commercial (ES) Overlay District is applied to a compact geographic area along Eighth Street, S.E., near the entrance to the Navy Yard, comprising those properties zoned C-3-A in Squares 906, 907, 929, and 930.

1309.2 In addition to the purposes set forth in § 1300, the purposes of the ES Overlay District are to:

- (a) Encourage and allow new business and office development in close proximity to the Navy Yard, with emphasis on firms that will conduct business with the Navy, as well as neighborhood-serving retail and service businesses;
- (b) Allow and encourage medium density commercial development, in the interest of securing economic development, while restricting building heights to a low level so as to respect the historic scale of buildings and the entrance to the adjacent Navy Yard; and
- (c) Provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic, so as to improve access to retail and other businesses in the area.

1309.3 For the purposes of § 1302, the designated area shall include any lot within the ES Overlay District that fronts on Eighth Street, L Street, M Street, or Potomac Avenue, S.E.

1309.4 For purposes of § 1302.5, restaurants, fast food restaurants, delicatessens, carry-outs, and similar eating or drinking establishments shall be subject to the following limitations: These uses shall occupy no more than fifty percent (50%) of the linear street frontage within the ES Overlay District, as measured along the lots that face designated roadways in the ES Overlay District of which up to half (1/2) of the fifty percent (50%) of the linear street frontage shall only be occupied by fast food restaurants.

- 1309.5 For purposes of § 1303.2, the designated roadways within the ES Overlay District shall be Eighth Street, M Street, and Potomac Avenue.
- 1309.6 The maximum permitted height for any building or structure in the ES Overlay District shall be forty-five feet (45 ft.).
- 1309.7 The maximum permitted gross floor area for permitted commercial and residential uses in the ES Overlay District shall be 3.0 FAR.

SOURCE: Final Rulemaking published at 46 DCR 8290-91 (October 15, 1999); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8446-47 (October 20, 2000).